

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

PAMELA NEESSEN and PAUL NEESSEN

PLAINTIFFS

VS.

CIVIL ACTION: 1:18cv134-LG-RHW

BEAU RIVAGE RESORTS, LLC, *et al.*

DEFENDANTS

ORDER

Before the Court is [40] Plaintiffs' December 11, 2018 motion to compel additional responses to discovery propounded to Defendants in July 2018, and to which Defendants responded in September 2018. For the reasons which follow, the Court finds the motion should be denied. First, the motion does not comply with *L.U.Civ.R.* 37(b) as it fails to "quote verbatim each interrogatory, request for production or request for admission" to which it is addressed and fails to state the specific objections, grounds for the objection and reasons supporting the motion. Rule 37(c) states failure to comply with these requirements will result in denial of the motion.

Second, some six weeks before the motion to compel was filed, Defendants moved to amend their answer with Beau Rivage Defendants admitting liability for the October 21, 2015 incident in which Pamela Neesen was struck by a luggage cart¹ on Beau Rivage premises. The motion to amend was fully briefed and awaiting ruling before Plaintiffs sought to compel further discovery responses. The Court granted leave to amend the answer on December 27, 2018. [44]

Third, the Court finds disproportional to the needs of this case Plaintiffs requests for additional information from the various separate corporate Defendants regarding similar incidents, accidents, lawsuits/claims for the past ten years, or for policies or procedures for

¹ Paul Neesen's claim is for loss of consortium.

investigation or completing incident reports,² particularly in light of the amended answer in which Beau Rivage admits liability for the incident involving Mrs. Neesen. It is therefore,

ORDERED AND ADJUDGED, that the motion to compel is denied.

SO ORDERED, this the 11th day of April 2019.

/s/ *Robert H. Walker*

ROBERT H. WALKER
UNITED STATES MAGISTRATE JUDGE

² This is the subject matter of the discovery requests according to the memoranda filed in support [41] and in opposition [46] to the motion to compel. Plaintiffs filed no reply.